

Serial No.: 10/678,680
Reply to Office Action of: November 18, 2005
Atty. Docket No.: JJK-0332 (P2002J101)

REMARKS

THE EXAMINER'S REJECTION

Claims 1-12, 14-25, and 27-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 38-47 of copending Application No. 10/678,690. Although the conflicting claims are not identical, they are not patentably distinct from each other because each set of claims is drawn to a process in which a hydrocarbon feed is hydrotreated, subjected to a separation step, and dewaxed with a catalyst that has been contacted with an oxygenate. The claims in 10/678,690 do not recite stripping as the technique used in the separation step. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the claims of 10/678,690 by utilizing a stripping technique in the separation step because stripping is a conventional technique used to remove contaminants from hydrocarbons.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

APPLICANTS' RESPONSE

Enclosed herewith is a Terminal Disclaimer in compliance with 37 CFR 1.321(c). This should obviate the provisional obviousness-type double patenting rejection over claims 38-47 of copending application no. 10/678,690.

THE EXAMINER'S REJECTION

Claims 1-12, 14-25, and 27-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 38-47 of copending Application No. 10/678,684. Although the conflicting claims are not

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identical, they are not patentably distinct from each other because each set of claims is drawn to a process in which a hydrocarbon feed is hydrotreated, subjected to a separation step, and dewaxed with a catalyst that has been contacted with an oxygenate. The claims in 10/678,684 do not recite stripping as the technique used in the separation step. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the claims of 10/678,684 by utilizing a stripping technique in the separation step because stripping is a conventional technique used to remove contaminants from hydrocarbons.

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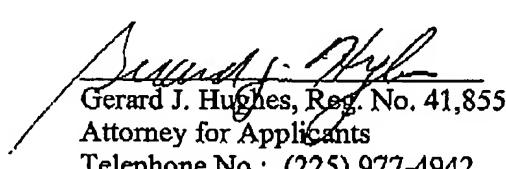
APPLICANTS' RESPONSE

Enclosed herewith is a Terminal Disclaimer in compliance with 37 CFR. 1.321(c). This should obviate the provisional obviousness-type double patenting rejection over claims 38-47 of copending application no. 10/678,684.

In view of the Terminal Disclaimers filed herewith, it is urged that applicants have overcome the Examiner's rejections and that the case is now in condition to be allowed. Favorable action is solicited.

Respectfully submitted:

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